

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8207 of 2018

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Shambhu Mukhiya Son of Late Yogeshwar Mukhiya Resident of Village -
Rajopatti, Brahm Asthan, Ward No. 7, P.S. Mehsaul O.P. and District -
Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Bihar at Patna.
2. The District Magistrate, Sitamarhi, District - Sitamarhi.
3. The Superintendent of Police Sitamarhi, Dist - Sitamarhi.
4. The Officer in-charge of Sitamarhi Police Station, Dist - Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Respondent/s : Mr. Vivek Prasad -GP-7

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 15-05-2018 This writ petition has been filed for unsealing the house of the petitioner and handing over possession of the same to the petitioner in connection with Sitamarhi (Mehsaul O.P.) P.S. Case No. 330/2017 which has been registered due to violation of the Excise Act. The prayer made in the writ petition is to unseal the house in question and hand over possession of the same during the pendency of Confiscation Case No. 402/2017 and criminal case.

It is common ground that in various cases, identical in nature, pending finalization of the confiscation proceedings/criminal case vehicles/properties have been



directed to be released by this Court on various conditions and we see no reason to make a deviation in the present case.

Keeping in view the aforesaid, it is directed that pending finalization of the aforesaid confiscation proceedings and criminal case, the aforesaid house of the petitioner shall be unsealed and possession handed over to the petitioner on his furnishing original title deed of the property in question and two local sureties to the satisfaction of District Magistrate, Sitamarhi and further undertaking not to alienate or deal with the house in question or create a third party interest during the pendency of the confiscation proceedings and criminal case or prejudice the right of the State in confiscation proceedings. The aforesaid house in question shall be unsealed and possession handed over to the petitioner within one week from the date of furnishing the original title deed and sureties.

With the aforesaid, the writ petition stands allowed and disposed of.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

P.K.P./-

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